

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CARLOS ELDRIDGE,

Petitioner,

v.

CIVIL ACTION NO. 5:07-cv-00576

T. R. CRAIG, Warden, FCI Beckley,

Respondent.

JUDGMENT ORDER

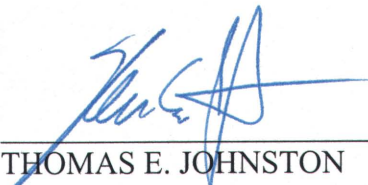
Pending before the Court is Petitioner's Application for Writ of Habeas Corpus [Docket 1]. By Standing Order entered on August 1, 2006, and filed in this case on September 17, 2007, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF & R). Magistrate Judge Stanley filed her PF & R on September 27, 2007 [Docket 4]. In that filing, the magistrate judge recommended that this Court deny Petitioner Carlos Eldridge's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Docket 1] and dismiss this case from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). See also *Page v. Lee*, 337 F.3d 411 (4th Cir.2003); *Johnson v. Zema Sys. Corp.*, 170 F.3d 734 (7th Cir.1999) (if party fails to object to a magistrate judge's report and

recommendation in district court, she waives appellate review of both factual and legal questions; if party objects in district court on some issues and not others, she waives appellate review of issues to which she has not objected). Here, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b), objections to Magistrate Judge Stanley's PF & R were due by October 15, 2007. To date, no objections have been filed.

Based on the foregoing, the Court **ADOPTS** the recommendations contained in the PF&R, **FINDS** that Petitioner Carlos Eldridge failed to exhaust his administrative remedies, **DENIES** his Application for Writ of Habeas Corpus and Motion for Temporary Injunction pursuant to 28 U.S.C. § 2241 [Docket 1], and **DISMISSES** this case without prejudice from the Court's docket. The Clerk is further **DIRECTED** to mail certified copies of this Judgment Order to all counsel of record, Petitioner, *pro se*, and Magistrate Judge Stanley.

ENTER: November 8, 2007

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE